

20700. Adulteration and misbranding of rye flour. U. S. v. 171 Sacks of Rye Flour. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29789. Sample nos. 21557-A, 21558-A.)

This case involved an interstate shipment of rye flour that was found to be artificially bleached rye flour containing added nitrites.

On February 4, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 171 sacks of rye flour at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about January 17, 1933, by the D. D. Fritch Milling Co., from Macungie, Pa., to New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Metropolitan 140 Lbs. Century Patent Rye Flour." The remainder was labeled in part: "Metco Pure White Patent Rye Flour."

It was alleged in the libel that the article was adulterated in that artificially bleached rye flour containing added nitrites had been substituted for the article.

Misbranding was alleged for the reason that the statements, "Rye Flour" or "Pure * * * Rye Flour", applied to an artificially bleached rye flour, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On February 23, 1933, Charles F. Shirk, agent for the D. D. Fritch Milling Co., Macungie, Pa., having appeared as claimant for the property, and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$350, conditioned that it be labeled, "Bleached With Nitrites."

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20701. Adulteration and misbranding of cheese. U. S. v. 150 Cheeses. Consent decree of condemnation. Product released under bond to be manufactured into process cheese. (F. & D. no. 29745. Sample no. 33013-A.)

This action involved a product that was represented to be domestic Swiss cheese, and which was found to be deficient in fat.

On January 13, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 cheeses, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Borden Sales Co., Inc., alleging that the article had been shipped in interstate commerce, on or about December 2, 1932, from Monroe, Wis., to Buffalo, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was designated on the bill of lading as "Swiss Cheese."

It was alleged in the libel that the article was adulterated in that a substance deficient in fat had been substituted for Swiss cheese, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, Swiss cheese.

On January 19, 1933, the Hasselbeck Cheese Co., Inc., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$7,500, conditioned that it be pasteurized and emulsified and used in the manufacture of process cheese.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20702. Adulteration of canned salmon. U. S. v. 149 Cases and 700 Cases of Canned Salmon. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. nos. 29545, 29556. Sample nos. 26764-A, 26769-A, 26770-A.)

These actions involved interstate shipments of canned salmon that was found to be in part decomposed.

On November 28 and December 1, 1932, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture,

filed in the District Court of the United States libels praying seizure and condemnation of 849 cases of canned salmon, in various lots at Columbus, Chillicothe, Portsmouth, and Washington Court House, Ohio, alleging that the article had been shipped in interstate commerce into the State of Ohio, on or about September 29 and September 30, 1932, by the Oceanic Sales Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was unlabeled. The remainder was labeled in part: "Edola Brand Pink Salmon Oceanic Sales Co. Seattle."

It was alleged in the libels that the article was adulterated in that it consisted partly of a decomposed and putrid animal substance.

On February 8, 1933, the Superior Packing Co., Seattle, Wash., having entered an appearance and claim, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the claimant upon payment of costs and the execution of bonds totaling \$1,500, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20703. Adulteration of figs. U. S. v. 46 Cases of Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29548. Sample no. 12954-A.)

This case involved a quantity of figs that were found to be insect-infested.

On November 29, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 46 cases of figs, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 22, 1932, by Farnsworth & Ruggles, from San Francisco, Calif., to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Calimyrna Figs * * * Packed by Giebelers Fig Gardens, Merced, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On January 10, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20704. Adulteration and misbranding of butter. U. S. v. 92 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29627. Sample no. 25099-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On November 22, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 92 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about November 4, 1932, by Nelson-Ricks Creamery Co., from Salt Lake City, Utah, to San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding was alleged for the reason that the statement "Butter", borne on the label, was false and misleading and deceived and misled the purchaser, since the article contained less than 80 percent of milk fat.

On November 29, 1932, the Nelson Ricks Creamery Co., Salt Lake City, Utah, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*